

ATTACHMENT 6 – REVIEW OF SUBMISSIONS

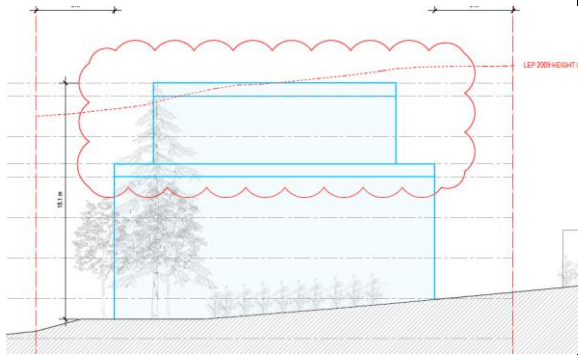
The proposal was renotified and eleven (11) submissions were received by way of objection which are summarised and addressed below:

Concern	Comment	New Matter?
Building Height and Form		
1. The building height of 21.3m is 3.8m over the height limit and does not satisfy Clause 4.6.	The proposal is a maximum of 20.07m which is 2.57m over the building height limit at the south-eastern corner of the building. The upper storey is set back 16.57m from the southern boundary and given the location of the road reserve to the east of the site, the additional shadow from the height breach principally falls of the road reserve.	No
2. Social housing is not justification for breaching the building height limit.	The applicant is seeking to achieve the maximum FSR for the site in order to deliver social housing as part of the Communities Plus model. The public benefit of providing social housing is a consideration, as is the public benefit to the existing locality.	Yes
3. The 6 th storey should be 50% of the 5 th storey in accordance with the Mowbray Precinct DCP.	As outlined in the DCP table of compliance in the original report, the upper storeys are considered capable of compliance with the DCP noting that balcony areas are excluded from the 50% requirement, but included in the proposed building envelope.	No
4. The scale of 2 Pinaroo Place is more appropriate which provides for better building separation to the adjoining E4 Environmental Living zone.	<p>The planning controls for 2 Pinaroo Place are not comparable to the subject site. The maximum building height of 2 Pinaroo Place is 14.5 metres under LCLEP 2009 and 4 storeys under the DCP, where the subject site is 17.5m and 5 storeys.</p> <p>In any event, the proposed building envelope provides for a greater building setback (to the southern boundary) when compared with 2 Pinaroo Place. The proposed building envelope provides a 9 metre setback at the 3rd and 4th storey where 2 Pinaroo Place provides only 6 metres. The proposed building envelope also provides for a greater setback to Pinaroo Place (6m compared to 3.5m).</p>	No

Concern	Comment	New Matter?
	<p>It is also noted the 2 Pinaroo Place building appears as 5 storeys to Mindarie Park, a single storey variation to the DCP.</p> <p>In this the subject proposal is more compliant with the E4 zone transition requirements when compared to 2 Pinaroo Place.</p>	
<p>The proposal does relate to topography as it doesn't recess ground level apartments and the basement level protrudes above the existing ground level.</p>	<p>The proposed building relates to the topography by stepping the design with the topography of the site. The sectional detail shows recessing of the ground floor from both Mindarie Street and the western boundary (refer Drawing 1301 and 1302). In relation to the basement level, the basement follows the topography of the site outside of the building envelope, and within the building envelope is above natural ground level for a portion of the platform to the south-eastern corner. The protrusion is considered satisfactory given the recessing of the building at the high-side of the site. Further, the revised reference design indicates this area does not necessarily have to be utilised to achieve the LCLEP 2009 FSR.</p>	No
<p>The proposal does not provide for the additional setbacks to the E4 zone.</p>	<p>The proposal provides the Precinct specific (Ground and Level 1) and ADG specific (Level 2 to Level 5) additional setbacks as required at zone interface.</p>	No
Amenity		
<p>4. Overshadowing including the following:</p> <p>28 Pinaroo Place - no reprieve between 9:00am and 3:00pm mid-winter exacerbated by additional building height.</p> <p>30-32 Mindarie Street resulted in no overshadowing of the southern adjoining property.</p>	<p>28 Pinaroo Place is most impacted by the subject proposal however the applicant has provided additional setbacks as stipulated by the relevant provisions and the additional building height does not result in any additional overshadowing compared with a compliant building due to the proposed additional set back provided.</p> <p>The shadow diagrams submitted with this residential flat building application near the</p>	No

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<p>1-7 Mindarie Street and 11-17 Willandra Street L-shape design should be used as an example of a design that allows .</p> <p>26 Pinaroo Place and impact on approved additions.</p>	<p>subject site indicates the directly southern adjoining properties were overshadowed.</p> <p>The submission uses an outdated version of the proposed building envelope which exacerbates the proposed shadow. Notwithstanding, the development of 8 blocks allowed the developer to provide this unique design. No. 30-32 Mindarie Street for example, was constrained, in the same way the subject application is, by the number of lots being developed. The proposal complies with the minimum DCP lot size and is fully compliant with the relevant building setbacks. The additional storey does not result in any additional impact to the southern adjoining properties in relation to overshadowing.</p> <p>The overshadowing of 26 Pinaroo Place is negligible at mid-winter. The submission uses an outdated version of the proposed building envelope.</p>	
<p>Privacy including overlooking of the southern adjoining properties.</p>	<p>Privacy at a base level is achieved by DCP compliant setbacks. Detailed privacy measures would require further consideration at the detailed development application stage. The reference designs indicate the balconies can be orientated away from the southern elevation and privacy treatments are available for windows.</p>	<p>No</p>
<p>Communal open space location to the south (on ground) and on Level 4 would result in unacceptable loss of acoustic and visual privacy to 28 Pinaroo Place.</p>	<p>The Concept Application provides indicative floor plans only including the provision of a part of the communal open space at Level 4. The area is limited in depth (3m) and would be subject to privacy (both acoustic and visual) considerations at the detailed design phase.</p> <p>Further the ground level southern part of the communal open space provides a logical utilisation of the site with adequate privacy measures being able to be implemented at a detailed design stage.</p>	<p>Yes</p>

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Traffic and Parking		
Parking in the reference design does not comply with Lane Cove Development Control Plan 2010.	No variation to the parking provisions of LCDCP 2010 would be approved under the concept development application	No
Traffic already congested and this would contribute to this matter. Parking restrictions should be considered on Pinaroo Place.	Parking restrictions are being considered by Council in relation to Mindarie Park and the impact on Pinaroo Place.	No
Concern about the location of the driveway location immediately adjacent to another driveway is hazardous, results in noise pollution and incongruous with the streetscape.	<p>The topography and site dimensions make provision of a driveway at the proposed point a logical proposition.</p> <p>In relation to safety of pedestrians (children or otherwise), the driveway is at the top of Pinaroo Place nearing the intersection of Mindarie Street nearing a natural point of caution.</p> <p>The amenity impacts of a driveway can be considered at a detailed design stage including physical and landscape screening and acoustic limitations on roller shutter doors etc.</p> <p>In relation to the streetscape, there is no Council policy relating to the side of the property a driveway can be located.</p>	Yes
Other		
Tree removal is not satisfactory.	The subject proposal does not consent to any tree removal. Council's tree officer has reviewed the proposal and provided tree preservation principles for the detailed development application to observe. These principles may require refinement of the building envelope to as best possible retain existing trees.	No
Construction vehicles, dust and noise is a safety hazard to uses of Mindarie Park.	Construction matters would be considered at the detailed development application stage and there are considered suitable mechanisms	No

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	for construction management to minimise hazards during the construction period.	
Bushfire risk is not acceptable to this form of high-density development.	The NSW RFS reviewed the concept development application and raised no objection subject to recommendations which would form a consideration under the detailed development application.	No
The VPA should not be used as a grounds for supporting the subject application.	As outlined in the original planning report, the VPA does not contribute to the merits of the building height variation proposed by the applicant in accordance with the Act.	No
View Sharing	<p>Concerns of the northern adjacent residential flat buildings are noted in particularly views to the tree canopy of Batten Reserve and Stringybark Creek to the south. However, the proposed building when viewed from Mindarie Street would largely read as compliant with the building height limit as shown in Drawing No. DA1201 (see AT1) replicated below:</p>  <p>Accordingly, the view impact of the proposal when compared to a compliant design is only marginally greater (along the depth of the building). The northern properties would retain vistas down Pinaroo Place and along the western boundary of the subject site to the tree canopy.</p>	No

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